

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Social Welfare – Cancellation of Scheduled Caste (Mala) Certificate, Sri Kanapu Seetha Ramamurthy filed an appeal petition before the Government against the proceedings of the District Collector, Visakhapatnam – Appeal rejected – Orders - Issued.

SOCIAL WELFARE (CV-I) DEPARTMENT

G.O.Ms.No. 90

Dated: 14-12-2010.

Read the Following:

1. Proceedings of the District Collector, Visakhapatnam
Proc. (M) R.Dis.No.139/97/C5, dated: 04-01-2008.
2. Appeal petition from Sri Kanapu Seetha Ramamurthy,
S/o. Latchaiah, Kanithi, Vadlapudi RH Colony,
Visakhapatnam, dated: 04-08-2008.
3. Govt.Memo.No. 6619/CV.1/2008-1, S. W. Dept.,
Dated: 21-08-2008.
4. From the District Collector Visakhapatnam,
Lr.No. (M) Rc No.938/2010/C5, Dt: 22.4.2010.
5. Govt.Letter No. 6619/CV.1/2008-7, S. W. Dept.,
Dated: 03-09-2010.

ORDER:

The District Collector, Visakhapatnam in the reference 1st read above has cancelled the Scheduled Caste (Mala) Certificate obtained by Sri Kanapu Seetha Rama Murthy fraudulently.

2. Aggrieved by the Proceedings of the District Collector, Visakhapatnam, Sri Kanapu Seetha Rama Murthy has filed an appeal petition before the Government on 04-08-2008 vide reference 2nd read above and submitted the following grounds in support of his claim.

- a. The order of the 1ST respondent dated 4.1.2008 is illegal, arbitrary, violative principles of natural justice.
- b. Neither the District Level Scrutiny Committee (DLSC) nor the collector has appreciated the pleadings and documents relied by the appellant, hence it miscarriage of justice.
- c. The appellant was born and brought up in the house of his maternal grand mother and he appellant was accepted by village people of SC Mala community, as he adopted person of his maternal grand father. Further no villager has reported that the appellant not belongs to SC Mala community.
- d. The DLSC, ought not to have considered the enquiry report submitted by Panchayath Secretary, Kornu (V) Gara Mandal as the enquiry conducted by Panchayath secretary is not proper and against to the procedure under the statute.
- e. The collector should have considered that the surname "Kanapu" are not belongs to Kalinga Community as per the report of Panchayath Secretary of Kornu (v), Gara Mandal. Hence, the allegation is that the appellant belongs to Kalinga Community is baseless and imaginary.

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- f. The finding given by DLSC that the appellant does not belongs to Mala SC community but belong to Kalinga BC case is only an imaginary without there being any evidence that surname Kanapu people are belongs to Kalinga caste.
- g. The enquiry conducted by DLSC is not in accordance with law as contemplated under Act 16/93 and there are no just reasons to arrive such finding that the appellant is not belongs Scheduled Caste (Mala) Community.
- h. Either the DLSC or the District Collector ought not to have given the findings that the appellant is not belongs to Scheduled Caste Community, as the caste certificate was issued to the appellant by the then MRO, after full pledged enquiry on 1.3.1988 by recording statements of Grama Committee and on the enquiry conducted by the Revenue Authority as per the procedure laid down in issuing the caste certificate. Hence after lapse of 19 years the said certificate cannot be cancelled on the premise hat the appellant is not belongs to SC Mala Community.
- i. The DLSC has not given sufficient opportunity to establish and substantiate the caste of the appellant. Hence the report of the DLSC cannot be considered and the said report is arbitrary, illegal and violation of principles of Natural Justice.
- j. The appellant was not considered either by the District Level Scrutiny Committee or by the 1st respondent while passing the orders. If the respondents have considered the explanation, they would not have passed such an impugned order.
- k. The MRO has issued caste certificate as Mala Community dated 1.3.1988 after thorough enquiry and basing on the report of village committee. The said fact reveals from the endorsement made on he reverse of the caste certificate.
- l. The authorities cannot be presumed that the appellant belongs to Kalinga caste but not SC on the basis of marriage with Kalinga community lady, but the authorities forgot that it is love and inter caste marriage. Based on this authorities should not jump to conclusion that the appellant belongs to Kalinga BC caste which is B.C. Community.
- m. The employer (the 3rd respondent) has also thoroughly cross checked the caste certificate issued by the then MRO, after thorough enquiry and on verification and satisfaction with regard to validity of caste certificate only.
- n. The Revenue Authorities failed to conduct proper enquiry in the birth place of the appellant i.e, Pedananduru (V) of Pedagantyada Mandal as there are so many witnesses to speak that the appellant belongs to Mala SC community.
- o. The appellant maternal grand mother Smt.Venkata Narasamma, w/o Late Somulu R/o Nadupuru who belongs to SC Mala community. When the maternal grand mother belongs to SC Mala, their grand son also belongs to same community, but the authorities failed to appreciate the said fact. Further the school TC shows that the appellant belongs to SC Mala. Apart from these the certificate issued by the competent authority i.e the then MRO, in the way back dated 01.3.1988 is strengthen the contention of the appellant that he belongs to SC community.

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- p. Either the DLSC or the Collector ought not to have considered the report dated: 17-11-2004 issued by MRO of Gara Mandal, as it is no way useful for the purpose of just decision. Moreover the appellant never resided in the said Mandal. The appellant born in Pedananduru (V) and he brought up in the same village of Pedagantyada (M), thereafter he is residing within the Gajuwaka Mandal. Hence the report of MRO, Gara Mandal is no way concerned for the present enquiry proceedings. Hence, the report of the MRO, Gara Mandal can be discarded.
- q. The 1st Respondent ought to have seen that the entire proceedings have been initiated behind back of the appellant, basing on the alleged representation said to have been sent by B.Apparao and the report of MRO. But the copies of the letter or enquiry report of MRO, have not furnished to the appellant, nor he was given an opportunity to participate in the enquiry.
- r. The Collector ought not to have exercised his powers under Section 5 of Act 16 of 1993 and Rule 9 of the said of the Rules after lapse of 19 years which is belated and failure in administrative functions.
- s. By virtue of the impugned proceedings the employer i.e., Visakhapatnam steel Plant, are going to take steps to initiate disciplinary action against the appellant.

3 The Government have admitted the appeal petition and requested the District Collector, Visakhapatnam to furnish parawise remarks and records vide reference 3rd read above.

4. The District Collector, Visakhapatnam vide reference 4th read above has furnished the relevant records and the following Para wise remarks against the Appeal filed by Sri Kanapu Seetha Rama Murthy:

On the request of the manager (Personnel), Visakhapatnam Steel Plant, Visakhapatnam, the issue of verification of the genuineness of the caste and social status of Sri Kanapu Seethe Rama Murthy was referred to the MRO, Pedagantyada at various levels and finally the DLSC headed by the Joint Collector, Visakhapatnam under AP SC ST and BC Community, Nativity and Date of Birth certificates Rules 1997.

The MRO, Pedagantyada has submitted his report stating that he has enquired the contents of the petition and the individual has suppressed certain facts and stated that, his native place is Nadupuru village and that he studied at Nadupuru and he obtained 8th class certificate and T.C. for 9th class from the Z.P.High School, Kanithi as a private candidate during the year 1976.

The MRO, Pedagantyada also enclosed the report of the Head Master Z.P.High School, Kanithi wherein the Head master confirmed that the Transfer Certificate of the individual was not issued from their Institute and also that, the Head Master who signed on the certificate has never worked in the School during the year mentioned in the certificate. The MRO, Pedagantyada finally stated that, the individual belongs to Kalinga caste, and does not belong to SC Mala Community.

The MRO, Pedagantyada further stated that the individual was a nominee of R-card holder, Smt.Vankara Narsamma, W/o Late Somulu resident of Nadupuru with R-card No.469 who belongs to SC Mala Caste and that Sri Kanapu Seeta Rama Murthy obtained bogus caste certificate.

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The Special Officer (LA), Steel Plant in his letter in D.O.Rc No.58/97/R2 dated: 17-3-1997 reported that the R-card in the name of Vankara Somayya on which Sri.K.Seetha Rama Murthy was nominated is not genuine R-card as per the records. It was also reported that the R-card No.469 was cancelled and the nomination issued on R-card No.469 is not valid.

The matter was referred to the DLSC to cause enquiry and submit its findings. The DLSC conducted enquiry on 8.1.2007 with the members i.e., District Revenue Officer (Convenor) District Tribal Welfare Officer, Dy. Director Social Welfare, Visakhapatnam. It is further submitted that as per the Rule 9 (C) of AP SCs STs and BCs Regulation of Issue of Community, Certificates Act No.16 of 1993 and Rules 1997 presence of three members will form the required quorum for the meeting of the committee.

During the enquiry, the individual could not produce any evidence in support of his caste claim and therefore, the Chairman of the DLSC observed that he has nothing to offer in support of the individual caste claim and that during the enquiry, the individual himself has orally admitted his T.C. is a false certificate and that, a large number of candidates obtained false certificates at the time of employment and he is one among them. Even though he was given ample opportunity to show evidence to prove his caste he failed to do so.

The DLSC finally observed that, the individual did not have any evidence in support of his caste claim and after perusing the report of the MRO, Pedagantyada and also the report of the Head Master, Z.P. High School, Kanithi the DLSC came to conclusion that the individual does not belong to SC Mala Community but belongs to Kalinga (BC) caste and that, the caste certificate purported to have been issued by the MRO, Pedagantyada was obtained by the individual fraudulently by misrepresenting facts and the T.C bearing No.155631 dated: 11.07.1976 with admission No.1148/1973 is also a fake certificate.

After having the above reports of the MRO, Pedagantyada and school authorities including the recommendations of the DLSC, a show cause notice as required under section 5(1) of the Act 16 of 1993 was issued to Sri Kanapu Seetha Rama Murthy to prove the caste claim as SC (Mala).

After examination of the report of the MRO, Pedagantyada, School documents, findings of the Committee and explanation submitted by the appellant and in exercise of the powers conferred under Rule 9 (7) of the AP SCs STs and BCs Community, Nativity and Date of Birth certificates Rules 1997 communicated vide G.O.MsNo.58 Social Welfare Department dated: 12.5.1997 read with Section 5 (1) of AP SCs STs and BCs Regulation of issue of Community Certificates Act No.16 of 1993, the SC (Mala) Caste Certificate bearing number 115/88/A Dt:01.03.1988 issued to Sri K.Seetha Rama Murthy S/o Latchaiah by the then MRO, Pedagantyada has been cancelled by the District Collector, Visakhapatnam vide proceedings (M) R.Dis.No.139/97/C5 dated: 4.01.2008.

5. The case was taken up for personal hearing by the Government, as such the appellant was requested to attend personal hearing on 18-08-2010 and 25-10-2010. The appellant was present but could not have submitted any material evidences in support of his claim and could not prove that he belongs to Scheduled Caste (Mala) Community.

6. Government, after careful examination of the proceedings dated: 04-01-2008 of the District Collector, Visakhapatnam, and material available with the Government, it is observed that, Sri Kanapu Seetha Rama Murthy does not belong to Scheduled Caste (Mala) Community.

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7. Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Sri Kanapu Seetha Rama Murthy, S/o.Latchaiah does not deserve any interference. Hence, Proceedings of the District Collector, Visakhapatnam, issued vide (M) R.Dis.No.139/97/C5, dated: 04-01-2008 are upheld and the appeal of Sri Kanapu Seetha Rama Murthy, S/o.Latchaiah is hereby rejected.

8. The District Collector, Visakhapatnam is directed to take further necessary action in the matter accordingly.

9. The records furnished by the District Collector, Visakhapatnam vide 4th read above (containing pp. 1-330 C.F., and pp. 1-32 n.f.,) are returned herewith and he is requested to acknowledge the receipt of the same at an early date.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.RAMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector,
Visakhapatnam (w.e)
(With original records)

Sri Kanapu Seetha Ramamurthy,
S/o. Latchaiah, R/o.30-73-13,
Kanithi, Vadlapudi RH Colony,
Visakhapatnam.

Copy to:

The P.S. to M (SW)
The P.S. to Principal Secretary (SW)
SF/SC

//Forwarded: by Order//

Section Officer